

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 SIXTH AMENDMENT TO MANAGEMENT AGREEMENT BY AND BETWEEN
2 THE CITY OF LONG BEACH AND SMG

3 **21667**

4 THIS SIXTH AMENDMENT TO MANAGEMENT AGREEMENT (this
5 "Amendment") is dated as of April 1, 2012, and is made and entered into by and between
6 SMG, a Pennsylvania general partnership (formerly known as Spectacor Management
7 Group) ("SMG"), and the CITY OF LONG BEACH, a municipal corporation ("City", and
8 together with SMG, the "Parties").

9 RECITALS

10 1. The Parties previously executed that certain Management
11 Agreement (City Contract No. 21667) dated as of February 12, 1991 (the "Agreement"),
12 pursuant to which SMG manages the Long Beach Convention and Entertainment Center
13 (the "Convention Center"), as more particularly described in the Agreement.

14 2. In order to accommodate the continued efficient operation of the
15 Convention Center as the Management Agreement term nears its expiration date, the
16 Parties wish to make certain changes to the Agreement.

17 NOW, THEREFORE, in consideration of the mutual terms and conditions in
18 the Agreement, the Parties agree as follows:

19 1. The first sentence of Section 4.2 of the Agreement shall be amended
20 and restated in its entirety to read as follows:

21 "4.2. Negotiate and enter into such contracts or agreements
22 ("subcontracts") in Contractor's name as may be required to perform the services
23 contemplated by this Agreement containing terms and conditions and at rates and
24 charges which are competitive; provided, however, if Contractor elects to enter into any
25 such subcontract, (i) Contractor shall not be released from any of its obligations under
26 this Agreement; and (ii) the term of any such subcontract shall expire on a date no later
27 than the date on which the term of this Agreement expires. Notwithstanding the
28 foregoing, a subcontract term may expire on a date later than the termination date of this

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1 Agreement with advance approval of the City Manager, which approval may be withheld
2 in the City's sole and absolute discretion. The City Manager shall have the option, but
3 not the obligation, to agree to assume any such subcontract on the same terms and
4 conditions contained therein in the event of termination of this Agreement."

5 2. Except as expressly amended herein, all of the terms and conditions
6 of the Agreement are ratified and confirmed and shall remain in full force and effect.

7 IN WITNESS WHEREOF, the Parties have caused this Amendment to be
8 duly executed with all formalities required by law.

9 SMG, a Pennsylvania general partnership

10
11 By: H. Westley
12 Name: Harold Westley
13 Title: CEO

14 CITY OF LONG BEACH,
15 a municipal corporation

16 By: [Signature] **Assistant City Manager**
17 Name: Patrick H. West EXECUTED PURSUANT
18 Title: City Manager TO SECTION 301 OF
19 THE CITY CHARTER.

20 Approved as to form on April 17, 2012.

21 ROBERT E. SHANNON, City Attorney

22
23 By: [Signature]
24 Richard F. Anthony
25 Deputy
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